

Exhibit 2



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 12, 2018

MR. ARNOLD KOENIG ESQUIRE
SUITE 320
825 EAST GATE BOULEVARD
GARDEN CITY, NY 11530

FOIPA Request No.: 1394945-000
Subject: MERMELSTEIN, JOSEPH (All
Surveillance January 1, 2003-December 31,
2005)

Dear Mr. Koenig:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☐ Your request has been received at the _____ Resident Agency / _____ Field Office and forwarded to FBI Headquarters for processing.
- ☐ The subject of your request is currently being processed and documents will be released to you upon completion.
- ☐ Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- ☐ Your request for a public interest fee waiver is under consideration, and you will be advised of the decision at a later date. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- ☒ For the purpose of assessing any fees, we have determined:
 - ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - ☐ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - ☒ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on FOIPA Status and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

June 26, 2018

MR. ARNOLD KOENIG ESQUIRE
SUITE 320
825 EAST GATE BOULEVARD
GARDEN CITY, NY 11530

FOIPA Request No.: 1394945-000
Subject: MERMELSTEIN, JOSEPH
(January 1, 2003-December 31, 2005)

Dear Mr. Koenig:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request.

The Federal Bureau of Investigation (FBI) has located approximately 2,156 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

☒ If all potentially responsive pages are released on CD, you will owe \$70.00 in duplication fees (5 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$102.80 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

☐ You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$_____ in duplication fees (_____ releases at \$15.00 each, less \$5.00 credit for the first release).

☐ The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$_____ (_____ CDs at \$15.00 each, less \$5.00 credit for the first CD).

☐ CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.

☐ You will owe approximately \$_____ in international shipping fees.

The estimated total cost for processing your request is approximately \$70.00 for CD releases or \$102.80 for paper releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemption(s). Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference in the handling of your request in reference to the estimated duplication fees from the following four (4) options:

☒ I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.

☐ I am willing to pay fees of a different amount.

Please specify amount: _____

☐ Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.

☐ Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record Information/Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

**ARNOLD KOENIG, ESQ.
ATTORNEY AT LAW
595 STEWART AVENUE
Garden City, New York 11530
(516) 640-4921**

July 25, 2018

Work Process Unit
Record Information/dissemination Section
Information Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, Va. 22602

Attention: WORK PROCESS UNIT

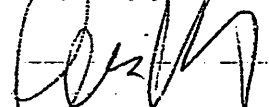
Re: FOIPA REQUEST NO 1394945-000
SUBJECT: MERMELSTEIN, JOSEPH

Dear Sir/Madam:

I am in receipt of the attached correspondence from you which I received yesterday due to the fact that I moved and just received the forwarded mail. Please note my new address on your file and mail all future correspondence to this new address as set forth above.

Please send the entire record located by the Federal Bureau of Investigation on five discs as set forth at a cost of \$70.00 which will be sent when requested. I am willing to pay estimated duplication/international shipping fees up to the amount specified in your letter.

Very truly yours,



ARNOLD KOENIG

AK/drc

**ARNOLD KOENIG, ESQ.
ATTORNEY AT LAW
595 STEWART AVENUE
Garden City, New York 11530
(516) 640-4921**

August 2,, 2018

Work Process Unit
Record Information/dissemination Section
Information Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, Va. 22602

Attention: WORK PROCESS UNIT

Re: FOIPA REQUEST NO 1394945-000
SUBJECT: MERMELSTEIN, JOSEPH

Dear Sir/Madam:

I am I receipt of the attached correspondence dated June 26, 2018 from you which I received yesterday August 1, 2018 mailed on July 30, 2018 as set forth on the envelope attached hereto. This is the same letter I received from and answered July 26, 2018, copy of which is attached.

Please send the entire record located by the Federal Bureau of Investigation on five discs as set forth at a cost of \$70.00 which will be set when requested.. I am willing to pay estimated duplication/international shipping fees up to the amount specified in your letter .

Very truly yours,


ARNOLD KOENIG

AK/drc
Enc.

FBI 9/2/18 5 years for 2000 pages

9/2/18 540-868-4894 2 years 900 pages

Email FBI.FOIPA.NEGOTIATION@FBI.GOV

① a lot of legal documents

② multiple sub files

10/10/18 again spoke to mr. wilson - will send letter

10/22/18 again spoke to mr. wilson

10/23/18 called (puck and)
said we would
be completed
some time in
2020



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 10, 2018

Mr. Arnold Koenig, Esq.
Attorney at Law
595 Stewart Avenue
Garden City, NY 11530

FOIPA Request No.: 1394945-001
Subject: Mermelstein, Joseph

Dear Mr. Koenig:

Reference is made to your Freedom of Information Act (FOIA) request for FBI records concerning Joseph Mermelstein. This letter will serve to document your telephone conversation with my representative on October 9, 2018.

My representative explained that your request was currently in the large track of our multi-track backlog of unassigned FOIA requests. This track contains requests for records in excess of 950 pages and assignments from this queue to our FOIA Processing Units are typically delayed for a significant amount of time. My representative indicated that the FBI located approximately 2,156 pages related to your subject and you were offered the opportunity to reduce the scope of your request to accelerate its assignment for processing. You indicated that you would like all responsive files processed at this time. Also you advised that you were willing to wait to have the files processed. Your request will remain in the large-track backlog until its assignment to our FOIA Processing Units.

Your request will be processed as interim releases of approximately 500 pages per CD, and by letter received August 8, 2018, you agreed to pay all fees associated with your request. We certainly appreciate your consideration in this matter and solicit your continued patience.

If you have further questions, please do not hesitate to contact my representative at 540-868-4894. You may also submit questions via the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is written above the typed name.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division